

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES LOUISIANA

BILL MILLER

CIVIL ACTION NO. 2:24-cv-00681

VERSUS

JUDGE JAMES D. CAIN, JR.

PNK (LAKE CHARLES), LLC D/B/A  
L'AUBERGE CASINO AND RESORT  
LAKE CHARLES and ZURICH  
AMERICAN INSURANCE COMPANY

MAGISTRATE JUDGE LEBLANC

JOINT RULE 26(f) REPORT

Type of Trial: Jury

Estimated length of trial is 5 court days.

**1. Participants:** Kevin M. Dills - Counsel for Defendants, PNK (Lake Charles), LLC and Zurich American Insurance Company

Michael D. Letourneau – Counsel for Plaintiff

**2. Affirmation Regarding Initial Disclosures:** Defendants, PNK (Lake Charles), LLC and Zurich American Insurance Company, delivered Rule 26 Initial Disclosures to Plaintiff's attorney on September 12, 2024.

Plaintiff provided his Rule 26(a) disclosures to Defendants on December 30, 2024 in conjunction with this report.

**3. Jurisdiction Basis:** Jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332. There is complete diversity between the parties as Plaintiff was a Texas citizen when the lawsuit was filed. Defendant, PNK (Lake Charles), LLC, is a citizen of Delaware and Pennsylvania. Specifically, although PNK is a Louisiana limited liability company, its sole member is Pinnacle MLS, LLC, which is a Delaware limited liability company whose sole member is Pinnacle Entertainment, Inc. Pinnacle Entertainment, Inc. is a Delaware corporation with its principal place of business in Pennsylvania. See *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir.2008) (citizenship of an LLC is determined by the citizenship of its members). Defendant, Zurich American Insurance Company, is an insurance company incorporated in New York with its principal place of business in Illinois. Further, the amount in dispute exceeds \$75,000, exclusive of interest and costs.

**4. Brief Description of Claims:** Plaintiff alleges damages from a slip and fall incident at the L'Auberge Casino Resort Lake Charles.

**5. Brief Statement of Response:** Defendants deny Plaintiff's allegations and assert that he cannot carry his burden of proof under La.R.S. 9:2800.6.

**6. Anticipated Amendments to Pleadings and Motions:** Defendants do not currently anticipate any amendments to pleadings but do anticipate filing a motion for summary judgment upon the completion of adequate discovery. Plaintiff does not anticipate any amendments, either. Plaintiff will obviously oppose any potential Motion for Summary Judgment.

**7. Anticipated Expert Witnesses:** Defendants anticipate retaining experts to address liability and Plaintiff's alleged injuries and damages. Plaintiff anticipates retaining the same.

**8. Discovery Plan:** Defendants assert that the Court's standard discovery plan is adequate for this case. Plaintiff agrees.

**9. Stipulations:** None at this time.

**10. Major Issues of Fact and Law in Dispute:** Defendants assert that the only known major issues of fact concern the nature of Plaintiff's alleged injuries, his medical treatment, and his alleged damages. The major issue of law concerns whether Plaintiff can carry his burden of proof under La.R.S. 9:2800.6. Plaintiff agrees with Defendants' assertions.

**11. Related Case Information:** This case was removed from the 14<sup>th</sup> Judicial District Court for Calcasieu Parish, Louisiana, Docket No. 2023-0772 "H".

**12. Alternative Dispute Resolution (ADR):** The parties are not opposed to ADR.

**13. Consent Trials:** There is currently no agreement among the parties for a consent trial.

**14. Electronic Courtroom:** The parties anticipate utilizing the Court's electronics for trial.

**15. Handicap provisions:** The parties are not aware of any need for handicap provisions.

I HEREBY CERTIFY THAT THE FOREGOING IS ACCURATE AND COMPLETE.

Respectfully submitted on this 30<sup>th</sup> day of December, 2024:

**DAVIDSON, MEAUX, SONNIER,  
McELLIGOTT, FONTENOT,  
GIDEON & EDWARDS, L.L.P.**



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Counsel for Defendants, PNK (Lake Charles), LLC  
and Zurich American Insurance Company

AND

**THE CHOPIN LAW FIRM LLC**

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*/s/ Michael D. Letourneau*

**JUSTIN M. CHOPIN (La. 31100)  
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*Attorneys for Plaintiff, Bill Miller.*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading has been delivered to all counsel of record, either through the CM/ECF system, electronic means, depositing a copy of same in the United States mail, first class postage prepaid, by hand delivery and/or by facsimile transmission, this **30<sup>th</sup>** day of **December, 2024**.

*/s/ Michael D. Letourneau*

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**MICHAEL D. LETOURNEAU**